IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 4TH OCTOBER 2007 / 12TH ASWINA 1929

LA.App..No. 1373 of 2002() & CROSS OBJECTION 100/04

LAR.320/1998 of ADDL.SUB COURT,KOTTAYAM
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APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: CLAIMANT

BABY S/O. JOSEPH, CHETTIYORATHU,
KOTHANALLOOR

BY ADV. SRI.P.K.RAVISANKAR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 04/10/2007, ALONG WITH CO NO.100 OF 2004, LAA1616/02 & CONNECTED CASES, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A.No.1373/02 & Cross Objection 100/04,
L.A.A.No. 1240/02 & Cross Objection 99/04,
L.A.A.No.1388/2002, L.A.A.No.1394/2002
L.A.A.No.1570/2002, L.A.A.No.1608/2002
L.A.A.No.1616/2002, L.A.A.No.1617/2002
L.A.A.No.1628/2002, L.A.A.No.1631/2002
L.A.A.No.1650/2002, L.A.A.No.1664/2002
L.A.A.No.1690/2002, L.A.A.No. 1831/2002,
L.A.A.No.1922/02 & Cross Objection 71/04, and
L.A.A.No.1937/2002,

L.A.A.Nos. 62, 561, 492, 174, 632, 514,
764, 757, 756, 636, 320, 856, 860,
919, 508, 166, 849, 208 of 2003,
LAA 627/03 & Cross Objection 73/03,
LAA 610, 227, 750 & 1210 OF 2003

Dated 4th October, 2007.

J U D G M E N T

Kurian Joseph, J.

These appeals pertain to acquisition for Moovattupuzha Valley Irrigation Project. The enhancement given by the reference court is only upto 60% of the value fixed by the Land Acquisition Officer. In several cases, this Court has held that the enhancement by 60% is just and proper (LAA Nos.1226/02, 1733/02 & 1100/05 etc.) Therefore, it is not necessary to interfere with the land value fixed by the reference court.

2. In some of the cases, the claimants have a grievance that they have not been granted the statutory benefit of interest on solatium. Being a settled position [see the decision reported in **Sunder v. Union of India** 2001(1) KLT 489)], we hold that the claimants are entitled to interest on solatium also. Subject to the above clarification, the appeals are dismissed. Cross Objections are closed since the grievance therein is only on interest on solatium.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A.Nos.1373/02, 1240/02, 1388/02, 1394/02, 1570/02 1608/02, 1616/02, 1617/02, 1628/02, 1631/02, 1650/02, 1664/02, 1690/02, 1831/02, 1922/02, 1937/02, 62/03, 561/03, 492/03, 174/03, 632/03, 514/03, 764/03, 757/03, 756/03, 636/03, 320/03, 856/03, 860/03, 919/03, 508/03, 166/03, 849/03, 208/03, 627/03, 610/03, 227/03, 750/03, & 1210/03

J U D G M E N T

Dated 4th October, 2007.